

Application No. 10/632,658
Confirmation No. 3579
Atty. Docket No. GP103-03.DV1

Response to Notice of Non-Compliant Amendment
Art Unit: 1634
Examiner: Ethan C. Whisenant

Remarks

The non-final Office action mailed October 7, 2005 stated that claims 37-56 are pending, claims 48 and 49 were allowed, claims 37-47 and 50-56 were rejected, and claim 41 was objected to as being of improper dependent form. Applicants filed an amendment and a terminal disclaimer on January 9, 2006. A Notice of Non-Compliant Amendment was mailed on January 23, 2006, which stated that the amendment appears to be a *bona fide* attempt to reply but did not include a complete listing of all claims (1-36 were not listed).

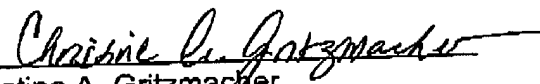
This response to the Notice of Non-Compliant Amendment includes a replacement section for the amendments to the claims, which only adds a listing of claims 1-36 as "Canceled" compared to the amendment section filed on January 9, 2006. Claims 1-36 were canceled in a Preliminary Amendment filed August 1, 2003. No new matter has been added by this response. Applicants believe that the amendment filed January 9, 2006 is now fully compliant with 37 C.F.R. 1.121 and respectfully request entry of the amendment and the terminal disclaimer.

If any fees are due in connection with this response, authorization is hereby provided to debit the required fees from Deposit Account No. 07-0835, in the name of Gen-Probe Incorporated.

I hereby certify that this correspondence is being sent by facsimile on the date indicated below to 571-273-8300, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully Submitted,

Dated: January 27, 2006

By: 
Christine A. Gritzmacher
Registration No. 40,627

GEN-PROBE INCORPORATED
Patent Department
10210 Genetic Center Drive
San Diego, CA 92121-4362
Telephone: (858) 410-8926 Facsimile: (858) 410-8928